



# Early Warning Intervention System

FC No.: 306

Date: 08-23-2021

If a provision of a regulation, departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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## I. Policy

Maryland State Law, Public Safety, § Section 3-516 states that all law enforcement agencies shall establish a confidential and nonpunitive early intervention policy for counseling officers who receive three or more citizen complaints within a 12-month period. It is therefore the policy of the Montgomery County Police Department to establish and maintain a system for tracking the number of complaints received against each officer in a 12-month period in order to identify any officer who may be exhibiting a pattern of actions or behaviors that could be detrimental and potentially place the employee, the public, and/or the Department at risk.

The Early Warning Intervention System (EWIS) shall be used to identify, assess, and enhance the officer's performance and provide intervention where appropriate. A counseling session, whether it be initiated via the EWIS or another means, does not prevent a matter from being separately investigated by the Internal Affairs Division and/or the matter being adjudicated through the departments disciplinary process.

## II. Definitions

- A. Complaint: An allegation of misconduct made against an employee of the department.
- B. Officer: Any sworn member of the Montgomery County Police Department.
- C. IAPro: Computerized software that tracks data related to internal affairs cases.
- D. Minor Allegations of Misconduct: Not enumerated in this directive, but includes those allegations, which if deemed to be violations, would be appropriately addressed through additional training and/or corrective counseling using the Supervisor's Remedial Action Form.

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E. Sustained Complaint: A formal complaint in which the investigation disclosed sufficient evidence to prove an allegation of misconduct.

### **III. Criteria**

The EWIS will be activated whenever three or more citizen complaints are filed against an officer within a twelve-month period.

### **IV. Procedure**

The EWIS is a non-disciplinary process used to assist supervisory personnel in monitoring officer performance. The availability of the EWIS does not relieve line supervisors of their responsibility to directly monitor the performance of their subordinates on a daily basis and take appropriate action in response to performance or behavioral issues. Any such supervisory meeting taking place will be non-interrogatory in nature and without disciplinary action as the goal is not discipline. The goal is to assist the officer, to prevent further problems, and to provide support to the officer as necessary.

Whenever a complaint is logged into the IAPro system, the Director or Deputy Director of the Internal Affairs Division will determine if the criteria for activating the EWIS has been met based on three (3) or more citizen complaints being received in a twelve (12) month period that are categorized as a Minor Allegation of Misconduct.

If the EWIS is initiated, the following procedure will take place:

1. The Director of the Internal Affairs Division, or designee, will log the entry into IAPro and forward the complaint through the chain of command to the effected officer's supervisor.
2. The supervisor shall conduct a counseling session with the officer to discuss the multiple complaints and identify issues that may be causing the related performance.
3. The supervisor will recommend ways in which the officer can improve performance and prevent or minimize such complaints (i.e. Training, Stress Management, Peer Support, etc).
4. The results of the counseling session will be documented and placed in the officer's supervisor file for no more than twelve (12) months. A copy will be provided to the officer. (FC 372)
5. The supervisor shall monitor the officer to see if the officer's performance improves. If a subsequent complaint is received, a second counseling session will be held, and the results will be documented and placed in the officer's supervisory file for no more than twelve (12) months.
6. The process of activating the EWIS, forwarding the complaint and conducting a counseling session with the officer. This process shall take no more than 30 days to complete.

### **V. Confidentiality**

Actions and documentation taken within the EWIS are strictly confidential and shall include only the individuals involved in the process. Confidentiality in the EWIS does not override the disciplinary

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process regarding violations of Department policy or laws. In those cases, all disciplinary matters shall be handled by the Internal Affairs Division (IAD).

**VI. CALEA Standards:** 26.2.1, 26.2.2, 35.1.9

**VII. Proponent Unit:** Internal Affairs Division

**VIII. Cancellation:** No Cancellation

A handwritten signature in blue ink, appearing to read "M G Jones". It is written in a cursive style with a horizontal line underneath.

Marcus G. Jones  
Chief of Police